

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

MORGAN PERRY, *et al.*,

Plaintiffs,

Case No. 3:17-cv-161

vs.

KRIEGER BEARD SERVICES, LLC, *et al.*,

District Judge Thomas M. Rose

Magistrate Judge Michael J. Newman

Defendants.

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**ORDER AND ENTRY: (1) GRANTING COUNSELS' MOTION TO WITHDRAW (DOC. 99); (2) GRANTING THE MOTION FOR AN EXTENSION OF TIME (DOC. 111) FOR DEFENDANT KRIEGER BEARD SERVICES, LLC TO RESPOND TO DEFENDANT DIRECTV AND DIRECTSAT'S MOTION TO COMPEL; (3) DEFERRING A RULING ON DEFENDANT DIRECTV AND DIRECTSAT'S MOTION TO COMPEL (DOC. 105); AND (3) GRANTING THE UNOPPOSED MOTION TO COMPEL TO PLAINTIFFS CARPENTER, FITCH, FULLER, GALLEGOS, GARDNER, HERNANDEZ, LASECKI, MANN, MESSER AND OVERTON TO PROVIDE VERIFIED DISCOVERY RESPONSES**

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This civil case is before the Court on four motions: (1) the motion of counsel Deborah Brenneman and Lindsay Nichols to withdraw as attorneys of record for Defendants Dustin Krieger and Krieger Beard Services, LLC (doc. 99); (2) the motion of Defendants DIRECTV, LLC and DirectSat, LLC to compel discovery from Defendant Krieger Beard Services, LLC (doc. 105); (3) the unopposed motion of Defendants DIRECTV, LLC and DirectSat, LLC to compel verified discovery responses from certain Plaintiffs (doc. 107); and (4) the motion of Defendant Krieger Beard Services, LLC for an extension of time to respond (doc. 111) .

**Motion to Withdraw as Counsel**

The Court first addresses counsel's motion to withdraw as the attorneys of record for Defendants Dustin Krieger and Krieger Beard Services, LLC. Doc. 99. For good cause shown,

counsel's motion is **GRANTED**. Because Defendant Krieger Beard Services, LLC cannot proceed in this case *pro se*, it is **ORDERED** to obtain counsel forthwith. The Court **ORDERS** that counsel enter an appearance in this case on its behalf within **21 days** from the entry of this Order. *See Rowland v. Cal. Men's Colony*, 506 U.S. 194, 201-202 (1993) (holding that all artificial entities may only appear in federal court through a licensed attorney). Failure to comply with this Order and have counsel timely enter an appearance on behalf of Krieger Beard Services, LLC may result in the imposition of sanctions, including the entry of default and the issuance of a default judgment against Krieger Beard Services, LLC.

With regard to Defendant Dustin Krieger, the Clerk is **ORDERED** to update the docket to reflect that he is, individually, proceeding *pro se* at this time. The Court, in the interest of justice, **NOTIFIES** Defendant Dustin Krieger that you have the right to be represented by an attorney throughout the proceedings in this Court. You also have the right to proceed without the assistance of an attorney if you so choose. If you are interested in obtaining counsel, but are unsure of how to find an appropriate attorney, you may wish to contact the Dayton Bar Association's Lawyer Referral Service at (937) 222-6102 or the Greater Dayton Volunteer Lawyers Project at (937) 461-3857. Information regarding the Greater Dayton Volunteer Lawyers Project can be accessed online at [www.gdvlp.org](http://www.gdvlp.org). The Court further **NOTIFIES** Defendant Dustin Krieger that all parties, including *pro se* parties, must tell the Court and all attorneys of record in this case, in writing, of changes to your address and/or telephone number. The failure to keep the Court and counsel for all parties notified of your current contact information may result in the issuance of sanctions.

#### **Motion to Compel Discovery from Krieger Beard Services, LLC**

The Court next addresses the motion to compel discovery from Defendant Krieger Beard Services, LLC. Doc. 105. In response, now-withdrawn counsel for Krieger Beard Services, LLC

moved for an extension of time to file a response until after the Court's ruling on the motion to withdraw. Doc. 111. For good cause shown, the Court **GRANTS** the motion for extension of time (doc. 111), and **DEFERS** a ruling on this motion to compel (doc. 105) at this time.

**Unopposed Motion to Compel Verified Responses from Certain Plaintiffs**

The final motion before the Court is the unopposed motion to compel filed by Defendants DIRECTV, LLC and DirectSat, LLC seeking to compel verified discovery responses from Plaintiffs Michael Carpenter, David Fitch, Sean Fuller, Ambrosio Gallegos, David Gardner, Jorge Hernandez, Jonathan Lasecki, Shawn Mann, William Messer, and Jeramie Overton. Doc. 107. Absent opposition, and for good cause shown, Defendants' unopposed motion to compel (doc. 107) is **GRANTED**. Plaintiffs Michael Carpenter, David Fitch, Sean Fuller, Ambrosio Gallegos, David Gardner, Jorge Hernandez, Jonathan Lasecki, Shawn Mann, William Messer, and Jeramie Overton are **ORDERED** to provide verified discovery responses to Defendants within **30 days** from the entry of this Order. These Plaintiffs are **NOTIFIED** that failure to comply with this Order and to provide verified discovery responses may result in the issuance of sanctions, including the dismissal of their claims for failure to prosecute.

**IT IS SO ORDERED.**

Date: May 2, 2019

s/ Michael J. Newman  
Michael J. Newman  
United States Magistrate Judge